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Abilheira & Newman, P.C.

August 29, 2008

Via Electronic Filing

Honorable Peter G. Sheridan, U.S.D.J.
United States District Court
District of New Jersey
M.L. King, Jr. Federal Building &
United States Courthouse
50 Walnut Street
Newark, New Jersey 07102

*No Ordered
Conference is
scheduled for
Sept 19, 2008 at
2:30
Peter G. Sheridan*

Re: Johnnie M. Felton vs. CSX Railroad, CSX Transportation, APL Shipping Lines
Civil Action No.: 06 CV 1624 (DMC)
Our File No.: GBD-9239-DJ *PES*

Honorable Sir:

This firm represents the defendants CSX Transportation with respect to the above-referenced matter and have received a letter from plaintiff indicating that he can not appear at the Settlement Conference scheduled for September 5, 2008, due to the fact that he has a Title 9 Termination of Parental Rights Trial scheduled in Superior Court, Passaic County before the Honorable Michael J. Diamond, J.S.C. which can not be adjourned. Mr. Mazawey is a solo practitioner and has no one else to appear.

In addition, as plaintiff has failed to make a realistic demand in this matter and given the fact that defendants are in the position that plaintiff has no viable claim, defendants maintain a no-pay position with respect to this matter.

As such, plaintiff has requested that the Settlement Conference scheduled for September 5, 2008, be canceled, or at the very least adjourned due to the conflicting Trial.

Defendants have no objection to this request and consent to the Court canceling or adjourning same.

Respectfully submitted,

Elias Abilheira

ELIAS ABILHEIRA

EA:mb

cc: Richard S. Mazawey, Esq. /Law Offices of Richard S. Mazawey (via Facsimile Transmittal)